

THE ORD FIRM, P.C.  
James K. Ord, III (USB 14007)  
PO Box 16266  
Salt Lake City, UT 84116  
Telephone: (435) 214-1433  
Email: james@UtahADALaw.com  
*Attorney for Plaintiff*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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Sam Burningham,

Plaintiff,

v.

Jimmy Johns of Spanish Fork Utah, LLC  
DBA Jimmy John's,

Defendant.

Case No.: 2:17-cv-00439-PMW

**NOTICE OF VOLUNTARY DISMISSAL  
WITH PREJUDICE**

Assigned to Magistrate Judge Paul M. Warner

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41 (a)(1)(A)(i) and DUCivR 54-1(b) and (d), Plaintiff, Sam Burningham, hereby voluntarily dismisses this Action with prejudice.

**RESPECTFULLY** submitted on this 10<sup>th</sup> day of January, 2018.

/s/ James K. Ord, III  
JAMES K. ORD, III, ESQ.  
P.O. Box 16266  
Salt Lake City, UT 84116  
Telephone: (435) 214-1433  
Email: james@utahADAlaw.com  
*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of January, 2018, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF system for filing and caused a true copy of the foregoing document NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE to be served via e-mail to the following recipients:

Matthew D. Church  
PLANET CHRISTENSEN & KANELL  
136 East South Temple Suite 1700  
Salt Lake City, Utah 84111  
Tel: (801) 363-7611  
Email: mchurch@pckutah.com  
*Attorney for Defendant*

/s/ Lisa Stamper\*

(\* I certify that I have the signed original of this document  
which is available for inspection during normal business  
hours by the Court or a party to this action)